

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KENTRELL D. WELCH,

Plaintiff,

v.

ISIDRO BACA, *et al.*,

Defendants.

Case No. 3:20-CV-0079-MMD-CLB

**ORDER RE: MOTION FOR LEAVE TO
SUBMIT AMENDED COMPLAINT**

[ECF Nos. 135, 147]

Before the Court is Plaintiff Kentrell Welch's ("Welch") motion for leave to file an amended complaint, (ECF No. 135), which was filed on September 14, 2021. After the motion for leave to file an amended complaint was fully briefed, Welch filed a second motion for leave to file a first amended complaint, (ECF No. 147). The Court denies as moot Welch's first filed motion, ECF No. 135, and finds the operative motion to be ECF No. 147.

An opposition to the motion for leave to file a first amended complaint was due on October 21, 2021. To date, no opposition or response has been filed by Defendants. This Court has instructed the Attorney General's Office on several occasions that they shall file oppositions or responses to motions to amend or risk that the motions be granted as unopposed under LR 7-2(d). Accordingly, the Court will *sua sponte* grant Defendants an extension of time to file an opposition to the motion to amend by November 10, 2021.

Defendants are cautioned that to the extent their opposition requests that the amended complaint be screened, the Court may decline to do so. 28 U.S.C. § 1915A requires screening of a prisoner's complaint "before docketing, if feasible or, in any event, as soon as practicable after docketing." 28 U.S.C. § 1915A(a). The screening provision does not require a court, either explicitly or implicitly, to screen every time a plaintiff seeks to amend the complaint. Therefore, the decision to engage in post-answer court screening is made on a case-by-case basis.

1 For good cause appearing, **IT IS THEREFORE ORDERED** that Welch's motion
2 for leave of court to submit a first proposed amended complaint, (ECF No. 135), is
3 **DENIED AS MOOT.**

4 **IT IS FURTHER ORDERED** that Defendants will have until November 10, 2021,
5 to file an opposition to the motion to amend, if they choose to do so.

6 **IT IS SO ORDERED.**

7 **DATED:** October 27, 2021.

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10 **UNITED STATES MAGISTRATE JUDGE**